

**GOOD SAMARITAN ACT FOR ENGINEERS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael G. Waddoups**

House Sponsor: Francis D. Gibson

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**LONG TITLE**

**General Description:**

This bill provides immunity for professional architectural and engineering services voluntarily provided during a declared state of emergency.

**Highlighted Provisions:**

This bill:

► provides immunity from liability for professional architectural and engineering services produced:

- for a public official on a non-paid, voluntary basis; and
- during a declared state of emergency.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**78B-4-514**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78B-4-514** is enacted to read:

**78B-4-514. Definitions -- Immunity for architects and engineers during emergencies.**

(1) As used in this section:

30           (a) "Architect" means a person licensed in accordance with Title 58, Chapter 3a,  
31 Architects Licensing Act.

32           (b) "Declared state of emergency" means a state of emergency declared by the  
33 governor of this state or by the chief executive officer of a political subdivision, in accordance  
34 with Title 63A, Chapter 4, Disaster Response and Recovery Act.

35           (c) "Professional engineer" means a person licensed in accordance with Title 58,  
36 Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.

37           (d) "Public official" means an appointed or elected federal, state, or local official,  
38 including building inspectors and police and fire chiefs, acting within the scope and  
39 jurisdiction of their authority during a declared emergency.

40           (2) An architect or professional engineer, acting in good faith and within the scope of  
41 their respective licenses, is not liable for:

42           (a) any acts, errors, or omissions; or

43           (b) personal injury, wrongful death, property damage, or any other loss arising from  
44 architectural or engineering services provided by the architect or engineer:

45           (i) as a non-paid volunteer at the request of a public official; and

46           (ii) during, or for 90 days following, a declared state of emergency.

47           (3) Nothing in Subsection (2) shall be construed to provide immunity to an architect  
48 or engineer for architectural or engineering services that are not within the scope of licensure.